

GOVERNMENT OF KARNATAKA

SOCIAL WELFARE & LABOUR DEPARTMENT

Labour Dispute.—Industrial Dispute between the workmen and the management of Sri Syed Akbar, Proprietor, Kudige Estate, Balchonnur Post, Chickmagalur District.

Award of the Presiding Officer, Labour Court, Hubli-21, published.

Read the following Papers :

(1) Letter No. LCH/REF/2433/74-75, dated 20th February 1975, from Shri H. L. Narayanagowda, Presiding Officer, Labour Court, Hubli-21.

BEFORE THE LABOUR COURT AT HUBLI

Reference ID (LCH) Claim No. 50/74

Present :

Shri H L. Narayanagowda, B.A., LL.B.,

Presiding Officer :

Dated 20th February 1975

Claimant.—Sri Paul Fernandez, Ref. by the Secretary, the Estates Staffs' Union, of South India (ESUSI), Chickmagalur.

Respondent.—Sri Syed Akbar, Proprietor, Kudige Estate, Balchonnur Post, Chickmagalur District.

G.O. No. SWL 418 LLD 74, dated 26th June 1974

JUDGEMENT AND AWARD

The Government of Karnataka have made this reference under clause (c) of sub-section (1) of Section 10 of the I.D. Act 1947 (Central Act No. 14 of 1947) referring the dispute between Sri Paul Fernandez, Writer of Kudige Estate and the Management of Kudige

Estate, Balehonnur Post, Chickmagalur to this Court for adjudication on the following points of dispute :

"Are the Management of Kudige Estate, Balehonnur post, Chickmagalur district, justified in stopping work with effect from 7th August 1973 to Sri Paul Fernandez, Writer ?

If not, to what relief the said writer is entitled ?"

2. The claimant in his claim statement states as follows :

Sri Paul Fernandez is a permanent writer of the Respondent Estate for the last 2 years. However the Respondent orally refused employment to Shri Paul Fernandez with effect from 7th August 1973 without giving any written order or reason for such stoppage. The Action of the Respondent is illegal and the Management has no right to refuse work to the claimant. He prays that he may be reinstated in service with full back wages and continuity of service.

3. The Respondent in his written statement states as follows:

It is not true that he is owner of the Kudige Estate. He owns only five acres of coffee land in Bannur village and is registered by the title Bannur estate. It is not true that the claimant was writer in his estate. There was no necessity of engaging a writer in his estate which is small. He prays that the reference may be rejected.

4. In support of his case the claimant has examined himself and closed. Ex. W-1 to W-5 are the documents filed for him. The Respondent has remained *ex parte*. No evidence either documentary or oral is adduced on his behalf.

5. I have perused the records and heard Sri P. H. Pinto, learned representative for the claimant.

6. The claimant in his evidence states as follows :

He joined the Respondent estate on 3rd October 1972. The Respondent appointed him orally. His pay was fixed at Rs. 145 p.m. The Respondent estate is known as Bannur Kudige Estate. It is situated in Balehonnur Hobli, Bannur village. He was filed writer in the Respondent estate. There were 11 employes in the Estate. The Estate consists of 40 acres of coffee plants. One Mohamad was their Manager. The Proprietor used to reside at Balehonnur. He has got a shop there. The proprietor used to come to the estate once in three or four months. He has received

Rs. 700 and odd for 7 months. On 7th August 1973 the proprietor told him that his services were no longer necessary. He told him orally. Then he approached the Union. He has committed no mistake in the Estate. There was no domestic enquiry held against him. Ex. W-1 is the instruction given by the Proprietor to the Manager, dated 20th November 1972. Ex. W-2 is another instruction given by the Proprietor. Ex. W-3 is the letter written by the Manager to him dated 4th February 1973. Ex. W-4 is the letter written by the Proprietor dated 10th April 1973. Ex. W-5 is the instruction given by the Proprietor.

7. The respondent has remained *ex parte*, though he has filed written statement denying the allegations that the claimant is a field writer in his estate. So I have got to accept the evidence of the claimant. The claimant swears that he is a field writer in the Respondent estate and he has been refused work. I accept his evidence and hold that he is entitled for reinstatement. I do not propose to grant him back wages.

AWARD

I order that the Respondent should re-instate the claimant in his service. No back wages are allowed. Continuity of service is allowed. No costs.

Hubli

20-2-1978

(Sd.) H. L. NARAYANA GOWDA,
Presiding Officer,
Labour Court, Hubli.

Order No. SWL 55 LLA 75,

Bangalore dated the 12th March 1975

S. O. 1106.—

WHEREAS by State Government Order No. SWL 418 LLD 74, dated 26th June 1974, the Industrial Dispute between the workmen and the management of Sri Syed Akbar, Proprietor, Kudige Estate, Balehonnur Post, Chickmagalur District, was referred to the Labour Court, Hubli, for adjudication.

AND WHEREAS, the Labour Court, Hubli, has submitted to the State Government its award in respect of the said Industrial Dispute.

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Karnataka are pleased to direct the publication of the said award as above, in the Karnataka Gazette.

By Order and in the name of the Governor of Karnataka

(K. MYLARAPPA),

*Under Secretary to Government,
Social Welfare and Labour Department.*